

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

VICTOR LEONAL GARCIA CRUZ,

Case No. 1:12-cv-751

Plaintiff,

Weber, J.

Bowman, M.J.

vs.

STEVE BAUER CONSTRUCTION, LLC,

Defendant.

SUPPLEMENTAL REPORT AND RECOMMENDATION

On September 27, 2013, the undersigned issued a Report and Recommendation ("R&R") that Plaintiff's motion for default judgment should be granted, on the condition that he file a sworn statement and/or affidavit witnessed by a notary public attesting to the facts contained in the Complaint within 14 days of the filing of the R&R. (Doc. 9). Plaintiff, however, failed to timely submit his affidavit as outlined in the R&R. Thereafter, the Court issued a show cause order to Plaintiff to file the required affidavit within 10 days. Plaintiff timely responded to the show cause order and submitted the required sworn statement attesting to the facts in the complaint. (Doc. 13).

Accordingly, for good cause shown, it is therefore **RECOMMENDED** Plaintiff's motion for default judgment (Doc. 8) be granted and judgment be entered in favor of Plaintiff and against Defendant Steve Bauer Construction, LLC, in the amount of \$3,081.00, together with costs and post-judgment interest accruing at the legal rate.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation ("R&R") within **14 DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **14 DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).